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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 67/170, in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-eighth session. The present report contains a summary and analysis of the submissions received from the Governments of Belarus, Brazil, Colombia, Ecuador, Egypt, Iraq, Jordan, Lebanon, the Sudan and the Syrian Arab Republic.

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I. Introduction

1. In its resolution 67/170, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-eighth session, while reiterating once again the need to highlight the practical and preventive measures in that respect.

2. On 8 April 2013, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request for information to all permanent missions to the United Nations Office at Geneva and to other international organizations located in Geneva. As at 4 July 2013, responses had been received from the Governments of Belarus, Brazil, Colombia, Ecuador, Egypt, Iraq, Jordan, Lebanon, the Sudan and the Syrian Arab Republic.

II. Information received from Member States

Belarus

3. The Government of Belarus stated that it fully supported General Assembly resolution 67/170 and considered the application of unilateral coercive measures of an economic, political, or any other kind inadmissible. Belarus believed that unilateral coercive measures contradicted international law standards and created artificial trade barriers. It was of the view that adopting a passive position on the issue of unilateral coercive measures might lead to negative consequences, whereby countries would use such measures to promote their political and economic interests. The Government of Belarus also condemned the illegal sanctions policies of the United States of America and the European Union, which infringed on the rights of different nations, including itself. By applying unilateral coercive measures towards Belarus, Great Britain and the United States of America violated the Helsinki Final Act, under which they had agreed to refrain from any act of economic coercion under any circumstances.

4. Belarus asserted that the United Nations, including the Office of the United Nations High Commissioner for Human Rights, must take a strong stance against unilateral coercive measures and vigorously demand their abolition by Governments that applied them. It supported the idea of creating a special mechanism for monitoring unilateral coercive measures, which may, for example, be implemented via a special procedures mandate. That idea had been positively received at the seminar organized by the Office on 5 April 2013. It was also important to establish a penalty system, under which countries implementing unilateral coercive measures had a responsibility in the form of compensation to the aggrieved party. Belarus fully supported the annual adoption of the resolution "Human rights and unilateral coercive measures" by the United Nations and believed that countries which voted against it should reconsider their approaches.

Brazil

5. The Government of Brazil stated that it was concerned about the increasingly frequent resort to unilateral coercive measures as an instrument of international politics. For Brazil, the application of such measures violated the provisions of the Charter of the United Nations, which required authorization by the Security Council for the imposition of a complete or partial interruption of economic relations. The Government of Brazil also had reservations with regard to the efficiency of unilateral coercive measures and their devastating humanitarian impacts on civilian populations, for instance in Iraq, the Islamic Republic of Iran and the Syrian Arab Republic. Brazil underlined the recurring paradoxical situation, in which the persons were most affected by the application of unilateral coercive measures in the promotion of international human rights and humanitarian law were frequently the same civilians who were supposed to be protected by such measures.

6. The Government of Brazil was also concerned that unilateral coercive measures were increasingly being regarded, not as means to an end, but as ends in themselves. As such, unilateral coercive measures were becoming associated with the affirmation of a perverse "ethics of punishment", instead of the promotion of international law. In the current context of complex challenges to international peace and security, Brazil asserted that it was crucial for the international community to renew its commitment to conflict prevention, diplomacy, mediation and other peaceful means. The Government of Brazil emphasized that it was through political and diplomatic solutions that States would be able to put in place the legitimate and sustainable political arrangements necessary for lasting peace and the full enjoyment of human rights. Brazil concluded by stating that, in the exceptional case in which unilateral coercive measures were deemed to be necessary, they must always be authorized by the Security Council, since its members must use them only as a last resort, when political and diplomatic means have been fully exhausted.

Colombia

7. The Government of Colombia was opposed to the implementation of unilateral coercive measures, as, in its view, they constituted an inappropriate means of pressure. Colombia underlined that it respected the principles and norms of international law, including the principle of sovereignty and the principle of self-determination of peoples. Colombia had traditionally opposed the use of modes of pressure and sanctions. In its view, priority must be accorded to international cooperation as a means of inspiring and promoting the full enjoyment of human rights, rather than to sanctions.

Ecuador

8. The Government of Ecuador stated that it was opposed to the use of unilateral coercive measures, as they went against its constitutional principles and undermined the guarantee of the full enjoyment of human rights. Instead, Ecuador recommended the adoption of preventive measures to avoid the implementation of unilateral coercive measures in order to obtain symmetrical relations between countries. As an example of such preventive measures, the Government of Ecuador offered its "*Plan Nacional para Buen Vivir*" (National Plan for Good Living). The objective of the

plan was to guarantee sovereignty and peace and promote its strategic insertion into the world, as well as the integration of Latin America. Ecuador underlined its commitment and support for the development of human rights and its opposition to the implementation of unilateral coercive measures, as they went against the principle of sovereignty.

Egypt

9. The Government of Egypt objected to the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries for several reasons. First, these measures constituted a breach of the principles of the Charter of the United Nations and the norms of international law, and violated the sovereignty and territorial integrity of States. The imposition of unilateral economic measures had detrimental effects on vital economic sectors in affected countries, including finance, banking and tourism. They had a negative impact on the well-being and the socioeconomic development of the population of affected countries. They had a direct negative impact on health, nutrition, water quality, education and culture. In Egypt's view, unilateral coercive measures had significantly jeopardized the full enjoyment of all human rights and fundamental freedoms, further increasing the suffering of the people living in the affected States.

Iraq

10. The Government of Iraq stated that the implementation of unilateral coercive measures had a direct negative impact on the guarantee of individual human rights in developing countries. For Iraq, the recognition of human rights was clearly found in legal texts, and must be put concretely into practice. However, in reality, individual human rights were not respected by some powerful countries. The Government of Iraq underlined that the use of unilateral coercive measures by some States over others reflected the degree of respect accorded by those States. Iraq emphasized that those measures had harmful consequences on the development of countries, including on the political, economic, and cultural aspects and on the development of human beings. For the Government of Iraq, unilateral coercive measures constituted major obstacles to the development of a State, with regard to both external and internal dimensions. Such measures led to an increase in poverty and corruption, degradation of the status of women, a decline in the level of education, and deterioration in security in the country affected. Iraq stated that the right to development was upheld by its Constitution and other legal documents.

Jordan

11. The Government of Jordan stated that its Constitution enshrined the protection of human rights — political, economic and civil. Jordan also underlined that it took steps for the protection of the rights of women, children and minorities, and for the right to development, including freedom of trade and economic exchanges. Jordan was concerned about the use of unilateral coercive measures, since they directly contravened respect of those rights.

Lebanon

12. The Government of Lebanon stated that it respected human rights, which were included in its Constitution. However, Lebanon stated that the wars in the country led to the loosening of its borders and sovereignty, and that the Lebanese population had been threatened by those wars.

Sudan

13. The Government of the Sudan stated that unilateral coercive measures had long-term harmful consequences on the human rights of the Sudanese population, as well as on the economic development of the country. The Sudan underlined that, because of the United States embargo which throttled the country in the economic sphere, its financial stability had been destroyed and its long-term economic exchanges with all Western countries had been halted.. Due to the absence of economic exchanges and activities, it was impossible for the Sudan to ensure the right and access to food and basic needs of its population. Following the decline and absence of investment in the Sudan and the increase in its debt, it was now considered as one of the heavily indebted countries. This had major repercussions on several sectors, including its economy, its modes of transportation, and the nature and wildlife of the country.

Syria Arab Republic

14. The Government of the Syrian Arab Republic defined unilateral coercive measures as a political tool used by foreign powers to put pressure on and create an internal political change in another country. However, such measures constituted a violation of Article 55 of the Charter of the United Nations, which underlined the importance of stability in international relations. Unilateral coercive measures were modes of interference which were harmful to healthy and stable cooperation between countries. They constituted a violation of the right to development and the right to access to health and medicine. Whereas in 2010, the Syrian Arab Republic had no external debt, it was now faced with major inflation with regard to the price of food, gas, oil and other natural resources. As a consequence of the embargo and the freezing of assets, unemployment had increased, the shortage of transportation had worsened and internal production had significantly declined.

III. Analysis and conclusions

15. **All respondent Member States rejected the use of unilateral coercive measures. Several respondents stated that unilateral coercive measures contravened Article 55 of the Charter of the United Nations, basic principles of international law, including sovereignty and self-determination of peoples, and the national Constitutions of States. Several States stressed that unilateral coercive measures represented a rejection of healthy and stable cooperation, diplomacy and dialogue as the most appropriate means to resolve international disputes. They observed that coercive measures were used as tools for exerting political or economic pressure against countries with opposing views.**

Respondents asserted the importance of respecting the standards and principles of international law to maintain international peace and security and to create and maintain friendly relations between countries, while promoting and protecting human rights.

16. **According to several States, unilateral coercive measures were preventing countries from exercising their right to decide and to express their own free will, posing major obstacles to the development of their economies and the guarantee of the full enjoyment of human rights to their peoples. Respondents noted that those measures had direct negative impacts on the economy and on the full enjoyment of human rights of civilians in targeted countries. Unilateral coercive measures posed challenges to the realization of basic human rights, such as the right to development, health and food and compromised the well-being of human beings. It was stated that interference with free trade took place at the expense of vulnerable populations in developing countries, including women, children, adolescents and older persons.**

17. **Several respondents recommended that action be taken against the use of pressure and sanctions in the form of unilateral coercive measures. They underlined the need for action to address the negative impacts of unilateral coercive measures. Respondents asserted that the United Nations must take a strong position against unilateral coercive measures and demand their abolition. Some support was expressed for the establishment of a penalty system against those adopting unilateral coercive measures, and the creation of a mechanism for monitoring such measures, possibly through a special procedures mandate.**